

Cherwell District Council

Executive

6 January 2020

Resumption of Land Drainage and Flood Risk Management Services

Report of Corporate Director Communities

This report is public

Purpose of report

To set out the requirements for Cherwell and its Partner Authorities to respond effectively to flooding events. It provides reasons why flood risk in the District has increased over the past few years and recommends how Cherwell can reverse this trend.

1.0 Recommendations

The meeting is recommended:

- 1.1 To agree to develop a policy to provide land drainage and flood risk management services.
- 1.2 To agree a revenue budget of £50,000 per annum is allocated to provide a land drainage and flood risk management service for 2020/21 and ensuing years.
- 1.3 To agree the authority work in partnership with the Lead Local Flood Authority (OCC) and partners to minimise the risk of flooding to the residents and businesses in Cherwell.

2.0 Background

- 2.1 In 2011 the Flood and Water Management Act 2010 created Oxfordshire County Council as the "Lead Local Flood Authority" (LLFA) for the whole of the County. There was an expectation at that time that the LLFA would take on all the services being undertaken by Cherwell. However, the Act only intended the LLFA to undertake a more strategic role, leaving the day to day management of watercourses and other elements of the service to district authorities but working within the wider strategic partnership. This left a gap in the local community leadership space across the District.
- 2.2 Since 2011 this has had the following effects:

- There is now no consistent approach to local leadership of flooding prevention or response
- Cherwell's preparedness to respond to a flood event has reduced from the pre-2011 position
- Cherwell's preparedness to support its community after a flood has been maintained through closer links with Emergency Planning.
- The maintenance of smaller ("ordinary") watercourses has been left to the local landowners to manage without control and enforcement.
- The ability to advise on and encourage riparian maintenance, and ultimately to enforce, has been provided through an agreement between OCC and West Oxfordshire District Council.
- Only minimal consenting takes place, for example, to ensure that when ditches are culverted, this is done without increasing flood risk
- "minor" planning applications (those for residential developments of less than 10 units) receive no site specific flood risk consideration

2.3 District Council powers in this service area have not diminished as a result of the Flood and Water Management Act. The powers to manage, maintain and where necessary undertake enforcement are still intact and remain largely contained in the Public Health Act 1936, the Land Drainage Act 1976 and the Land Drainage Act 1991.

2.4 It is now proposed that Cherwell reviews its land drainage and flood risk management policy in order to mitigate the risk to the local communities.

3.0 Report Details

3.1 Cherwell has developed this proposal in full consultation with its principal Partner, Oxfordshire County Council as the Lead Local Flood Authority (LLFA).

3.2 The activity that is proposed is broken down into the following two workstreams:

(i) desk-based work

- re-establishing full liaison with Oxfordshire County Council and other Flood Risk Management partners
- ensuring that all planning applications receive appropriate site specific consideration. For "minor" applications, this will fill the gap currently left whereby no site specific consideration is given. For "major" applications the County Council can be supported with more local information in providing their responses
- proactively advising riparian owners, consenting and preparing enforcement as a last resort

(ii) site-based work

- proactively monitoring and maintaining watercourses, particularly known flooding hotspots
- responding to incidents

Necessarily, there will be different resource delivering these two workstreams, but under coordinated management.

4.0 Alternative Options and Reasons for Rejection

- 4.1 The proposal is not to replicate the work or role of the LLFA but instead to ensure that the local services are provided in addition to the largely strategic role provided by the LLFA
- 4.2 The status quo position would expose the residents of Cherwell to increased impact of flooding and with the current forecasting changing weather patterns and increasing likelihood of occurrence. When (not if) the next flood event occurs, the community would first look to Cherwell for local leadership.

5.0 Implications

Financial and Resource Implications

- 5.1 It is proposed that an annual revenue budget of £50,000 is allocated to the resumption of this service.

Comments checked by:

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Legal Implications

There are no legal implications. In reviewing this service the Council is acting entirely within its powers under the relevant legislation, mainly the Public Health Act 1936, the Land Drainage Act 1976 and the Land Drainage Act 1991. It would also act within its duties and powers contained in the Flood and Water Management Act 2010.

Comments checked by:

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Risk Implications

If not adopting the recommendations contained within this Report the residents of Cherwell will be exposed to increased risk of flooding and the potential for legal actions for a failure to meet the requirements of the relevant legislation.

Comments checked by:

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6.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All Wards

Links to Corporate Plan and Policy Framework

Clean Green and Safe - Support Community Safety

Thriving Communities and Wellbeing – Enhance Community Resilience, Support and Safeguard Vulnerable People

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning
Councillor Daniel Sames, Lead Member for Clean and Green

Document Information

Appendix No	Title
None	
Background Papers	
None	
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